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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,984	08/22/2003	Margaretha H. Wirawan	WIRM.001A	8626

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EXAMINER

CANFIELD, ROBERT

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/645,984	WIRAWAN, MARGARETHA H.	
Examiner	Art Unit	
Robert J. Canfield	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 8,12 and 14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 15-21 is/are allowed.
- 6) ☒ Claim(s) 3-7,9-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/01/06</u> | 6) <input type="checkbox"/> Other: _____ |

1. This Office action is in response to the amendment filed 09/25/06. Claims 1-21 are pending with claims 8, 14, 17 and 21 having been withdrawn from consideration for being directed to non-elected inventions. In the response received 01/19/06 applicant elected the species of Figures 31 and 32 with traverse and stated that claims 1-7, 9-13, and 15-20 were readable thereon. The previous examiner treated claims 1-7, 9-13, 15, 16, and 18-20 with no further comment as to applicant's traverse. Applicant's traversal is on the ground(s) that there is no serious burden on the examiner to examiner the multiple species. This is not found persuasive because there is an undue burden placed upon the examiner to examiner the plurality of species disclosed and claimed and the complete search for each of the species is not required for each of the other species. For example the search for a stained glass window (52/204.59) is not required for glass block window assemblies (52/306-308) and the complete search for embodiments not requiring glass blocks is not required for embodiments limited to glass blocks. The elected species of figures 31 and 32 is directed to a first window frame holding a plurality of glass blocks and a second window frame mounted to the first window frame and holding a window panel different from the glass blocks in the first frame. The first window frame including a mounting flange. Claims 1-7, 9-11, 13, 15-20 are considered readable on the elected species. Claims 8, 12, 14 and 21 are withdrawn from consideration for being directed to non-elected inventions. The requirement is still deemed proper and is therefore made **FINAL**.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,357,187 to Stanley et al.

Stanley provides first panel 100 affixed to first frame 107, the first first frame having channel 107A which engages a second frame 100 holding second window panel 115.

4. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,756,938 to Hickman.

Hickman provides first 2 and second 3 window panels supported by a frame 5/5a and which differ in visual appearance.

5. Claims 3, 5, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,904,020 to Carlson et al.

Carlson provides glass blocks 12-16 supported within a frame (see figure 6). A second frame 90 engages a peripheral channel of the first frame at approximately 92. Panels 12, 13, 14, 15, and 16 differ in visual appearance as they have different shapes.

6. Claims 6, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,904,020 to Carlson et al.

Carlson provides each of the elements of these claims except specifying the glass blocks have non-specular surfaces. Non-specular or diffuse surfaces are known in the glass block arts so that objects may not clearly be seen. The term translucent in Carlson suggests that the blocks of Carlson are not transparent. It would have been obvious at the time of the invention to one having ordinary skill in the art that the blocks could have a non-specular surface so as to allow light to pass through the blocks while limiting the clarity of what can be seen through the window.

As to claim 13, the blocks of Carlson are considered to have some degree of fire retardance or hurricane resistance. The claim fails to call for any specific degree of the claims properties.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,357,187 to Stanley et al.

Stanley provides each of the elements of this claim except that the second panel 115 comprises a low-e panel. The examiner takes Official Notice that the use of low-e panel in an insulated glass assembly is well known in the art and to have the second panel of Stanley comprise a low-e panel would have been well known at the time of the invention to one having ordinary skill in the art to improve the insulating properties of the window unit.

8. Claim 10 is objected to because of the following informalities: "the first window panel assembly" lacks a proper antecedent basis. Note "assembly" has been deleted from claim 9 from which claim 10 depends. Appropriate correction is required.

9. Claims 1, 2, and 15-21 are allowed. Note claim 21 is rejoined as it depends from allowed claim 15.

10. There is nothing in the prior art of record to teach or suggest a framed **glass block** window and a low-e panel combination.

11. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

12. The information disclosure statement (IDS) submitted on 05/01/06 has been considered by the examiner. An initialed copy of the 1449 form is attached.

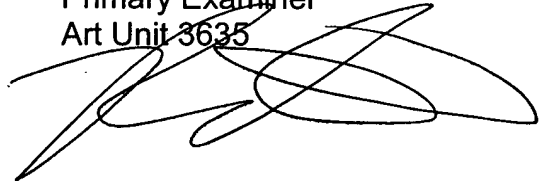
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Canfield whose telephone number is 571-272-6840. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on 571-272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert J Canfield
Primary Examiner
Art Unit 3635

A handwritten signature in black ink, appearing to be 'R. Canfield', written over the printed name and title.

12/02/06